

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 13, 2018
6:30 PM**

1. CALL TO ORDER, MAYOR SASSER

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Presentation of the \$10,000 Safe Parks Award (Broward County Commissioner Chip LaMarca)

Broward County Commissioner Chip LaMarca stated that the Broward County Safe Parks Bond Initiative will provide \$10,000 in funding for a project for the Anglin Courtyard at Friedt Family Park.

b. Sea Shorts Play Festival Presentation (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira advised that this year's Sea Shorts Play Festival is scheduled for February 16-17 at 7 p.m. and February 18 at 4 p.m. in Jarvis Hall. There is no charge for attendance.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Ken Brenner, resident, expressed concern with valet parking in the Town's public plazas, as employees do not always know which spaces should be used. He recommended that the policy consider how underuse of parking spaces is calculated, as well as limiting the number of spaces used per plaza, prohibiting use of spaces directly in front of other restaurants, limiting when timed spaces may be occupied, and residents living near the plazas.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. AMR January 2018 Report (Chief Brooke Liddle)

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

b. BSO January 2018 Report (Captain Tom Palmer)

Broward Sheriff's Office (BSO) Captain Tom Palmer encouraged individuals who suspect scam telephone calls to contact BSO for verification, noting in particular that the Internal Revenue Service (IRS) does not contact households via telephone. He also recommended that cars parked in the Town be locked to discourage break-ins.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. October 2017 Finance Report (Tony Bryan, Deputy Town Manager)

b. November 2017 Finance Report (Tony Bryan, Deputy Town Manager)

c. December 2017 Finance Report (Tony Bryan, Deputy Town Manager)

The Commissioners accepted the reports without discussion.

d. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bud Bentley stated that a kickoff meeting was held between the Town and a project design team from the Florida Department of Transportation (FDOT) regarding the El Mar Greenway. He characterized the project as a long-awaited update to El Mar Drive, and encouraged members of the community to participate in the process.

Mayor Sasser noted that the construction phase for the El Mar Greenway is expected to last for two years, which could be problematic. Town Manager Bentley replied that Staff shares this concern, pointing out that if FDOT is allowed to bid a typical contract, the project could have a negative effect on the surrounding community, particularly businesses. He agreed that the Town should establish certain requirements for construction, such as dividing the project into phases north and south of Commercial Boulevard.

Town Manager Bentley continued that \$1.8 million has been allocated to the project by FDOT and the Broward Metropolitan Planning Organization (MPO). He proposed that the Commission appoint a liaison to accompany Town Manager Bentley to meetings with FDOT and the Broward MPO, as well as to determine if the Town and the MPO will be allowed to manage the contract and hire the contractor as originally planned.

Vice Mayor Sokolow pointed out that the project has undergone significant changes, including funding levels, from the proposal originally approved by the Commission. He recommended that the Town's lobbyist participate in this discussion and that FDOT provide an accurate cost estimate before the project proceeds further.

Commissioner Malkoon also stated his concern with the project's timeline, pointing out that the extension could cause costs to escalate past the funds budgeted by the Town. Town Manager Bentley replied that at present, the Town's five-year capital improvement budget contains roughly \$700,000 to \$800,000 in cash on hand, with another \$1 million programmed for the third year of the Greenway project. The Town has anticipated budgeting more funds for this project as the construction phase approaches.

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 13, 2018

Town Manager Bentley continued that at present, the project is following FDOT's timeline and schedule. He did not feel the project was likely to be complete within only two years, as funding is scheduled for a later time within the Broward MPO's five-year work program. Commissioner Malkoon also recommended that any future meetings be held during the tourist season to allow input from stakeholders who would be affected by the project.

Commissioner Vincent asked if any other municipalities have made similar requests of FDOT regarding projects of this nature. He also suggested entertaining an outside expert opinion on the Greenway project, including phasing, funding, and the timeline. Town Manager Bentley recalled a previous local area participation (LAP) agreement between Broward County and FDOT which contributed to successful landscaping on north A1A. This project was managed by the Town and submitted to FDOT for reimbursement. He agreed that retaining an outside expert was a good idea.

Mayor Sasser announced that the Lauderdale-By-The-Sea Candidates' Forum will be held in Jarvis Hall on Monday, February 26, 2018 from 7-9 p.m. Candidates for Mayor are Mark Brown and Chris Vincent, and candidates for Town Commission are Alan Bluestein and Elliot Sokolow.

At this time Mayor Sasser reopened public comment.

Bill Ciani, resident, addressed issues related to Sign Code, stating that grandfathering and trademarking ensure a variety of signs that add to the Town's character. He recommended that Sign Code be revisited to provide this variety, but that the Town retain certain details such as the size of letters or prohibition of fluorescent tubing.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Town Manager Bentley distributed a copy of Sign Code, explaining that Mr. Ciani's proposal would mean the Commission refers the Item back to Staff, who would then go through the Planning and Zoning Board process before making a recommendation to the Commission. He pointed out that it can be difficult for some smaller businesses to comply with Sign Code. The Commissioners agreed by consensus with this suggestion.

Town Manager Bentley continued that under the Town's current system, some individuals accumulate a significant number of parking citations that remain unpaid. When an individual has at least three tickets, Code provides for a mechanism to refer the matter to the State, which places a hold on the renewal of that individual's tag. The Town is

considering the option of further action, such as placing a “Barnacle” device on the vehicle. He requested additional direction from the Commission on this issue.

Vice Mayor Sokolow asked for the total amount of unpaid parking fines in the Town. Town Manager Bentley replied that at an earlier time, before improvements to the collection rate, this total reached more than \$1 million. He added that a report with this information will be provided in the future. One Barnacle unit costs \$600 to \$700. The Town does not currently tow cars in response to parking violations, nor do they use an immobilizing device.

Commissioner Vincent also requested additional information on the Town’s parking and collection efforts, proposing that there may be alternative methods available through the Florida Department of Motor Vehicles before an immobilizing device is deployed.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. January 23, 2018 Town Commission Meeting Minutes (Tedra Allen)

Vice Mayor Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

11. CONSENT AGENDA

Items 11c, 11e, and 11f were pulled for additional discussion.

- a. Special Event Application for LBTS Volunteer Fire Department’s Annual Easter Egg Hunt Saturday, March 31, 2018 (Debbie Hime, Special Projects Coordinator)**
- b. Renewal of the Interlocal Agreement for the “Original” Local Gas Tax (Tony Bryan, Deputy Town Manager)**
- c. Hurricane Irma Costs – Grinding Costs (Tony Bryan, Deputy Town Manager)**

Commissioner Oldaker requested additional clarification of how these costs were determined. Deputy Town Manager Tony Bryan replied that the Town's collection agency picked up debris, and the Town's monitoring firm certified its volumes. Debris was then taken to Fort Lauderdale's Holiday Park, where the City of Fort Lauderdale took over the process. Debris was ground at Holiday Park and then hauled to Monarch Hill for final disposal. The Town is currently compiling information for submission to the Federal Emergency Management Administration (FEMA) for reimbursement. Additional invoices are expected from Fort Lauderdale.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

d. Extension for 240 Imperial Lane Lien Mitigation (Linda Connors, Development Services Director)

e. Education Fee Refund (Sharon Ragoonan, Assistant Town Manager)

Commissioner Oldaker requested clarification of how many permits will be refunded. Assistant Town Manager Sharon Ragoonan replied that fees of \$15 or greater will be refunded to the property owners who paid them. Permits for less than \$15 will be refunded upon request.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

f. Pelican Hopper Update (Debbie Hime, Special Projects Coordinator)

Commissioner Vincent requested an update regarding ongoing discussions about the Pelican Hopper, as well as on ridership. Special Projects Coordinator Debbie Hime replied that while there has been no update to ridership numbers within the past five to six months, the service has not fallen below the required ridership threshold that provides additional funding. Deputy Town Manager Bryan estimated that ridership is approximately 100 riders per day.

Commissioner Vincent explained that his intent was to reassure the community that the Pelican Hopper service will not be discontinued: instead, the Town is reevaluating this service. Special Projects Coordinator Hime added that Staff has requested the help of a planner and scheduler from Broward County Transit (BCT) to ensure the Town's evaluations are accurate.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve 11f. Motion carried 5-0.

Commissioner Vincent made a motion, seconded by Vice Mayor Sokolow, to approve Items a, b, and d. Motion carried 5-0.

Commissioner Oldaker returned to the Town Manager Report, noting that Item 10 refers to a swale restoration program. He pointed out that swales will not disrupt landscaping and address many issues related to street drainage. He cited examples of successfully implemented swale projects on Imperial Lane, Hibiscus Drive, and Tropic Drive.

12. OLD BUSINESS

a. Request from Marina-By-The-Sea for an Extension on Fines for Encroaching into Navigational Channel and Longer Finger Piers (Linda Connors, Development Services Director)

At this time Mayor Sasser opened public comment.

John Lanata, resident, stated that he spoke as a representative of 230 and 231 Marine Court, as well as 437 Seagrape Drive, as well as for himself. These properties abut the marina's basin. Over the past few months, some nearby property owners have expressed concern about opening the property to large boats that will encroach into navigational waterways. He felt this was not consistent with the character of the Town, and suggested that no boats larger than 50 ft. be allowed at the facility.

Ed Ellis, resident, advised that he had felt the Commission had passed an Ordinance allowing conditional use of the marina when this issue most recently came before them. He pointed out that 80 ft. vessels can be significantly longer than their waterline measurement, and the navigational waterway is insufficiently large to allow this use. He felt the Town should have greater leverage to establish requirements for the marina, including a sewer pump at the slips, appropriate lighting, public restrooms, and appropriately sized boats.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 13, 2018

Town Manager Bentley explained that some time ago, Staff compiled a distribution list for individuals who had wished to know about upcoming matters involving the marina. For this reason, the marina's application was distributed to these individuals when it was received by Staff. He noted that this may have contributed to a misunderstanding that the Commission planned to take action on the application at tonight's meeting, although they only plan to address the Code issue regarding fines.

Town Manager Bentley continued that if the Commission agreed to the benchmarks proposed by the marina owner in relation to fines, they would also consider suspending these fines while the marina's applications, including the partitioning agreement, went through the necessary processes. He also noted that the marina owners have an undivided 1/19 interest in the property, while the Town owns an 18/19 interest.

In August 2017, the Town Commission adopted a code for the marina mooring area process. Because this had been an ongoing issue with the marina's previous owners, Staff had asked if the Commission wished to rescind authorization to allow boats to be docked. The Commission agreed to rescind the authorization, with fines set to begin on January 2, 2018. The new ownership group requested additional consideration from the Commission in order to give them time to file documentation and begin improvements to the marina.

Town Manager Bentley continued that after applications are submitted to the Town, Staff evaluates them and communicates with the applicant to make them aware of any items that do not meet Code. The application then goes before the Planning and Zoning Board for further input. This Board provides a recommendation, which comes before the Commission. Staff has also determined a set of milestones which the marina must meet as their process continues.

Development Services Director Linda Connors reiterated that what is before the Commission tonight is a Code Enforcement issue rather than part of the approval process. Two cases involving the marina went before the Special Magistrate, with two violations on each of the property's two parcels.

The marina was expected to come into compliance on both these issues in January 2018; however, the Commission elected to extend the time period for compliance until February 13, 2018. This issue is before the Commission tonight because the marina owners have committed to a timeline to move forward and do not wish to be subject to further fines. Town Manager Bentley clarified that an extension of Code fines does not allow the owners to build any structures in the marina.

The timeline provided by the marina owners includes the following milestones:

- Submission of the site plan and conditional use
- Submission of a management plan
- Should the components of the application meet Code, Staff will develop a Staff Report or inform the owners of any criteria that have not been met by March 2, 2018
- Plan revised as necessary by April 6, 2018
- Plan will go before the Planning and Zoning Board no later than May 16, 2018
- Application will appear before the Commission for consideration in June 2018

Development Services Director Connors continued that the marina owners are asking if they can continue with the violations that have already been documented and for which fines have been issued. Another issue is that in submitting the site plan and conditional use, the owners looked closely at Code, which requires that finger piers may be no more than 25 ft. in length from the property line. The applicant has requested longer piers to accommodate the docks, which would require a Code Amendment. Staff is asking for direction regarding the possibility of looking into this Amendment.

Commissioner Oldaker noted that the Agenda Memorandum provided to the Commissioners includes a new proposed mooring area, with different pilings and finger piers, and a boundary line reflecting the length of the boats that may be moored at the slips. Development Services Director Connors clarified that the Commission is not asked to approve this mooring area tonight, as it would require a site plan and conditional use. They are instead asked to allow the continuation of existing Code violations within the mooring area.

Commissioner Oldaker asked if the Commission is allowed to alter the mooring area and existing violations at tonight's meeting. Town Manager Bentley advised that the property must conform to the standard mooring area, which may not be changed at present, as it is established by Code. Town Attorney Susan Trevarthen further clarified that when the issue touches on what is or is not allowed, Staff is referring to the status of Code Enforcement issues, including whether the fines continue to accrue or are held until other issues are resolved.

Commissioner Oldaker explained that his concern was for three slips at which large "nuisance boats" are docked. He asked if the extension may be granted with the exception of those three slips. Town Attorney Trevarthen stated, however, that according to a strict

interpretation of Code, only parallel or very short vessels may be docked at the site, which would mean boats at all slips are problematic.

Commissioner Oldaker continued that while the marina is currently in the process of having the nuisance boats removed from their slips, his concern was for whether or not this process can continue while the marina's application is under review. Town Attorney Trevarthen replied that the Town does not have tools at its disposal to remove these boats. The tools it may use are fining the vessels under Code Enforcement or seeking an injunction for their removal.

Commissioner Malkoon observed that until studies are complete on the marina's function, he did not wish its nearby residents to be subjected further to nuisances from the site. He noted that when the marina evicted one nuisance vessel, another 75 ft. boat was allowed to take its place. He felt this issue would require two separate votes from the Commission.

Vice Mayor Sokolow stated that the Commission is looking beyond the proposed abatement of Code fines, which is the item before them tonight. He felt the intrusion of other issues, such as the site plan and conditional use, were unnecessarily complicating what is before the Commission at this time.

Commissioner Vincent remarked that he agreed with the recommendation that larger nuisance boats be evicted from the marina in order to address the concerns of neighboring property owners. Commissioner Oldaker agreed that this was a satisfactory compromise, although he cautioned that the Commission will need to address the nuisance vessels eventually.

Commissioner Vincent made a motion, seconded by Vice Mayor Sokolow, to allow the mooring of boats in the proposed marina mooring area until June 26, 2018 unless the milestones are not met.

Town Attorney Trevarthen pointed out that the abatement of fines would mean the marina would not be cited for any large nuisance vessels until June 2018; however, because these vessels would exceed the mooring area, they would be cited. The alternatives before the Commission are to use the mooring area designated in the documentation as proposed by the Applicant as the boundary of what is allowed, or to amend slips 4, 5, and 6 so they are capped at a length of 60 ft. If the mooring area is not addressed, Code Enforcement will be abated until June regardless of the size of vessels at the marina.

Motion carried 3-2 (Commissioner Malkoon and Commissioner Oldaker dissenting).

**b. Date for Swearing In of New Commissioners Following March 13, 2018
Town Election (Susan Trevarthen, Town Attorney)**

Town Attorney Trevarthen recalled that the date for swearing-in of new Commissioners was discussed in January. Town Staff has requested available dates from all parties who may be affected, and it was determined that March 27, 2018 is appropriate. The Commission is asked to decide on a date, as well as whether the swearing-in will be part of the regular meeting or will be performed at a special meeting. New Commissioners are expected to take office within 14 days.

Commissioner Malkoon made a motion, seconded by Commissioner Oldaker, to schedule a Special Meeting on March 27, 2018 for the swearing-in of the newly elected officials. Motion carried 5-0.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Vincent requested that Staff review the possibility of allowing rooftop uses in the B-1 and B-1A district, including whether or not these uses should be allowed only in mixed-use structures. The Commissioners agreed by consensus with this request.

15. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2018-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, “TRAFFIC AND MOTOR VEHICLES,” ARTICLE II, “PARKING, STOPPING OR STANDING,” SECTION 19-21 ENTITLED “PARKING OR STORAGE OF MOTOR VEHICLES,” PROVIDING FOR DEFINITIONS FOR PARKING REGULATION; AMENDING SECTION 19-22 TO CREATE VALET PARKING PERMIT**

**REGULATIONS; AMENDING SECTION 19-28 FOR CLARITY;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; PROVIDING AN EFFECTIVE DATE (Sharon
Ragoonan, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Mayor Sasser referred to the issues raised under Public Comment, including allocation of parking spaces directly in front of businesses, possible underuse of designated spaces, time limits on parking spaces within the plazas, and limiting the number of spaces.

Town Manager Bentley stated that the program was first implemented in the Southwest Plaza approximately one year ago. He clarified that restricting parking in front of businesses would refer specifically to open businesses: if some businesses are closed at a given time and there are no cars in those spaces, these spaces could be used by other businesses.

Town Manager Bentley continued that if the Ordinance is approved, valets may no longer use public parking spaces. With regard to employee parking, he noted that Assistant Town Manager Ragoonan has reached out to at least one business to ensure they inform their employees about parking permits. He felt this outreach should be conducted for all businesses on a quarterly basis, with printed material that the businesses may post for their employees.

Commissioner Vincent requested additional information on how valet parking would be regulated, including prevention of valet parking using spots designated for other businesses. Town Manager Bentley replied that any car with a valet tag or receipt on the dashboard would be ticketed if they do not have a permit. Commissioner Vincent also asked how many parking spaces are allowed for restaurants, pointing out that the proposal includes several unknown factors. Town Manager Bentley advised that because there are a great many variables to the process, permits will be case-specific, including issuances for special events.

Commissioner Vincent emphasized the need to review the proposed Ordinance with affected businesses to ensure it is fully understood before it is submitted for second reading. Town Manager Bentley confirmed that the Ordinance would be circulated to these businesses prior to second reading.

Vice Mayor Sokolow also felt feedback from businesses would be important before the Commission approves the Ordinance upon second reading. It was noted that at present, there is no control by the Town over parking within the plazas. Mayor Sasser added that Staff may look separately at issues related to employee parking outside the Ordinance.

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve on first reading. Motion carried 5-0.

b. Ordinances 2nd Reading

- i. Ordinance 2018-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, “ADMINISTRATION,” OF THE TOWN CODE OF ORDINANCES TO PROVIDE THAT SERVICE AS VICE MAYOR FOR UP TO ONE YEAR DOES NOT AFFECT ELIGIBILITY TO SERVE A SUBSEQUENT CONSECUTIVE TERM AS VICE MAYOR; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen stated that there have been no changes to this Ordinance since its approval upon first reading.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2018-06 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, MODIFYING PARKING PERMIT FEES EFFECTIVE OCTOBER 2015, OCTOBER 2016, OCTOBER 2017, AND OCTOBER 2018 TO PROVIDE FREE PARKING TO GOVERNMENT OFFICIALS IN DISTRICT SEATS AT THE COUNTY AND STATE LEVEL; PROVIDING FOR VALET PARKING PERMIT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (Sharon Ragoonan, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Town Manager Bentley advised that this Resolution would extend to representatives of the federal government, which was not included in the title. He asked if this would be considered a material change or if the Resolution may be amended. Town Attorney Trevarthen confirmed that the Resolution may be amended at tonight's meeting.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve with the revision to include federal agents. Motion carried 5-0.

- b. Resolution 2018-07 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2018/2019; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

- c. Resolution 2018-08 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A SEA OAT DUNE CONSTRUCTION AND MAINTENANCE POLICY; PROVIDING FOR AN EFFECTIVE DATE (Don Prince, Municipal Services Director)**

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, stated that while it is helpful for sea oats to grow, it can be difficult to deal with them. She recommended that additional information be provided to homeowners on how to deal with sea oats in the long term, including maintaining them

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 13, 2018

within certain parameters so they serve their purpose but do not affect residents' quality of life.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Town Manager Bentley suggested that the Town enter into agreements with affected property owners so both parties understand their responsibilities.

Municipal Services Director Don Prince advised that this issue arose when some property owners requested an agreement in writing regarding sea oat dunes. It will be part of an upcoming Beach Management Plan which will address several beach issues. Information on proper maintenance of sea oats will also be posted on the Town's website.

Commissioner Vincent asked for more information on the extent of the maintenance necessary for sea oats, including potential costs to the Town. Municipal Services Director Prince advised that when a dune is removed or planted, some winds will blow sand past the sea oat dune and against the seawall until the sea oat dune is large enough to serve as a barrier. This sand should be replaced on the beach. Maintenance does not include keeping the sea oat dune free of trash.

Municipal Services Director Prince continued that the Commission has budgeted \$10,000 per year for this purpose. Town Staff also reaches out to the County for a \$5000 matching grant every year to cover use of equipment and cost of materials.

Commissioner Malkoon noted that the agreement states the Town would perform maintenance on the western side of the dune between the seawall and the dune itself, and asked if this would be true only where easements exist. Municipal Services Director Prince replied that the Town has easements on several properties that entered into agreements in order to receive sand replacement.

Town Manager Bentley clarified that the easements to which most properties refer are public access easements, which are required by County and federal sources for the placement of sand. This easement does not make allowances for the Town to maintain sand dunes. The informal agreement regarding redistribution of sand collected near the seawall benefits the property owner; however, if the owner does not agree, the Town will not perform this service. Once a property's Board makes a decision on what type of maintenance is acceptable to them, they are asked to send a letter to the Town, which

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 13, 2018

has the state determine if there will be sufficient benefit to issue a permit to reduce a dune. If the state does not issue a permit, the Town may take no action.

Commissioner Malkoon made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 5-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:04 p.m.




Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen



Date